

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 06-43993

TRANS-INDUSTRIES, INC., *et al.*,  
Debtors.

Chapter 7  
(Jointly Administered)<sup>1</sup>  
Judge Thomas J. Tucker

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STUART A. GOLD, TRUSTEE,

Plaintiff,

v.

Adv. Pro. No. 07-6790

JOAN PARKER COENEN,  
in her capacity as representative of the  
estate of Dale S. Coenen, deceased, *et al.*,

Defendants.

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**OPINION REGARDING THE “PLAINTIFF-TRUSTEE’S APPLICATION  
FOR ATTORNEYS’ FEES AND COSTS” (DOCKET # 563)**

On October 18, 2019, the Court filed a written opinion entitled “Trial Opinion” in this adversary proceeding (Docket # 559), and entered a Judgment (Docket # 560, the “Judgment”). Then on October 23, 2019, the Court filed an amended opinion, entitled “Amended Trial Opinion” (Docket # 561). As provided in and permitted by each of these documents, the Plaintiff-Trustee timely filed a fee application on November 1, 2019, entitled “Plaintiff-Trustee’s Application for Attorneys’ Fees and Costs” (Docket # 563, the “Fee Application”). Neither of the Defendants in this adversary proceeding has filed any response or objection to the Fee

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<sup>1</sup> This case (*In re Trans-Industries, Inc.*, Case No. 06-43993) is being jointly administered with the following cases: *In re Transign, Inc.*, Case No. 06-43995; *In re Transmatic, Inc.*, Case No. 06-43997, and *In re Vultron, Inc.*, Case No. 06-43998. (“Order Pursuant to Fed. R. Bankr. P. 1015 Directing Joint Administration of This Chapter 11 Case with Three Affiliated Cases” (Docket # 35)).

Application, and the deadline for them to do so has passed.

The Court has considered the Fee Application, in light of applicable law, including the authorities and factors cited and discussed in the Fee Application, and the Court finds that the attorney fees and costs requested in the Fee Application are reasonable, and should be awarded in the amounts set forth below, as part of the relief provided to Plaintiff-Trustee against the Defendants under the Judgment.

The amount of attorney fees and the amount of costs that the Court will award in favor of Plaintiff-Trustee will be slightly different from those requested in the Fee Application, because the Court believes that there are a couple of mathematical errors in the Fee Application that should be corrected. The correct amounts are as follows: (1) the attorney fee amount should be \$1,167,768.87, instead of the \$1,167,588.87 amount stated in the Fee Application;<sup>2</sup> and (2) the amount of costs should be \$193,446.05, instead of the \$189,544.74 stated in the Fee Application.<sup>3</sup>

Accordingly, the Court will file an amended judgment, which will be identical to the Judgment entered on October 18, 2019 (Docket # 560), except that the amended judgment will reference the Amended Trial Opinion, and except that the amended judgment will quantify the amount of the attorney fees and costs being awarded under paragraph 1(f) of the Judgment.

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<sup>2</sup> (See Fee Application at ¶¶ 15-17). The Fee Application states that the damages award in the Judgment, not counting attorney fees and costs, is \$3,502,766.62. (*Id.* at ¶ 16). That total is incorrect. The correct total is \$3,503,306.62, one-third of which equals \$1,167,768.87.

<sup>3</sup> (See Fee Application at ¶ 24). The amounts listed in subparagraphs a-o of paragraph 24 of the Fee Application actually total \$193,446.05, not \$189,544.74 as stated in the Fee Application.

**Signed on December 10, 2019**



**/s/ Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**